

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAVID G. STERN,
Petitioner

v.

CIVIL ACTION NO. 04-10465-NG

DAVID L. WINN,
Respondent

MOTION FOR REDESIGNATION

NOW COMES the Petitioner, David G. Stern, and moves that this Honorable Court order the Bureau of Prisons to either redesignate him to Coolidge House, Boston, MA or release him to home confinement and herein sets forth the following reasons:

1. On September 24, 2004, Petitioner was given a document for signature that set forth the basic conditions of community confinement at the Barnstable House of Correction.
2. Included therein was the statement that employment would be provided each inmate at "The Mill Store" paying an hourly wage of \$6.75.
3. Further, the document stated that unlike Coolidge House, inmates will continue to wear uniforms and otherwise exist in an environment less conducive to transition than the existing conditions at FMC-Devens-Camp.
4. The Petitioner's "transition" back into the community will not be in any way facilitated working at a minimum wage at employment which will in no way provide him with skills he will use upon "release".
5. The Petitioner's sentence and indeed his conviction are still under Appeal and by sending him to Barnstable House of Correction, a state facility, a portion of which is contracted to the BOP, rather than Coolidge House which not only permits but demands that inmates get outside employment, is inconsistent with legislative intent regarding transition after incarceration.

6. The Petitioner has already secured employment with online-registries, Inc., where he intends to be employed upon release to home confinement and after release. The company is located in Newport, RI and Petitioner's initial rate of pay will be four times that being "offered" at Barnstable. The Petitioner has two dependant sons whose college expenses are, as the Court can appreciate, enormous, and to prevent him from earning an income commensurate with his ability and desire to do so, under the circumstances is unjust.

7. Further, the Petitioner suffers from asthma, has undergone a spinal operation, has two partially herniated discs and is 58 years old, all of which was considered by the Court when initially designating him to the medical facility at Devens, and which limits Petitioner's non-office employment.

8. The Petitioner has demonstrated a willingness to productively participate in the community through employment commensurate with his talents and placing him in an environment which not only limits and inhibits those talents but potentially places his health at risk, when there is a readily available (actually two readily available) alternatives: Coolidge House and home confinement, serves to "punish" him for seeking half way house release.

Respectfully submitted,

David G. Stern
23799-038
Federal Medical Center-Devens
P.O. Box 879
Ayer, MA 01432

September 24, 2004

CERTIFICATE OF SERVICE

I, David G. Stern, certify that a copy of the within Motion to Redesignate was this day mailed, first class, postage pre-paid, to Jeremy Sternberg, AUSA, 1 Courthouse Way, Boston, MA 02210.

Septemebr 24, 2004

David G. Stern